THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2284 of 2007

Dated 08-02-2007

Between:
Kammaripeta Ravinder.

..... PETITIONER

AND

The Govt. of A.P. & another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2284 of 2007

O R D E R:

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Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home.

This writ petition is filed by the petitioner seeking parole for one week from 09-02-2007 to 15-02-2007 to his father K.Narasimhulu, who is convict No.3463, undergoing the sentence of life imprisonment in Central Jail, Charlapally.

The petitioner's father viz. K.Narasimhulu, is the resident of Ayyavaripally village of Farooqnagar Mandal, Mahaboobnagar District, was accused No.4 of the offences punishable under Sections 324, 148 and 302 read with 149 IPC in S.C.No.123 of 1998 on the file of the II Additional Sessions Judge (Fast Track Court), Mahaboobnagar. It is alleged that A.1 along with the other accused killed his own brother i.e. deceased Kistayya on the ground that the daughter-in-law of A.1 died due to the sorcery committed by the deceased. The learned Sessions Judge, by judgment dated 16-06-2003, found all the accused guilty, convicted them and sentenced to undergo life imprisonment. Accordingly, the petitioner's father viz., K.Narasimhulu is undergoing the sentence of life imprisonment in Central Jail, Charlapally.

It is stated that since the petitioner is the only son of K.Narasimhulu and his marriage is due to be performed on 11-02-2007 at 11.12 A.M. at their residence, the presence of K.Narasimhulu is required, and therefore, he made a representation on 31-01-2007 to the Principal Secretary to Government, Home (Prisons) Department, Hyderabad, to grant parole for one week along with escort. On the said representation dated 31-01-2007, the Superintendent, Central Prison, Cherlapalli addressed a letter to the

Superintendent of Police, Mahabubnagar requesting to cause enquiry and send a report with regards release of K.Narasimhulu on escort parole at an early date so as to enable him to submit the same to the Principal Secretary, Home (Prisons) Department, Government of A.P., Hyderabad, to consider his case for grant of parole. The Government Memo dated 14-10-2005 relates to grant of paroles and escort paroles to convicts and they shall get a report from the concerned Superintendent of Police.

Learned counsel for the petitioner placed reliance on **M.Rajender v. State of A.P**.[1] and on an unreported judgment of this Court in W.P.No.8836 of 1997 dated 13-05-1997, wherein this Court directed to release the life convict on parole with a constable along with a weapon in mufti dress.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the second respondent to release K.Narasimhulu, so as to enable him to perform his son's marriage, subject to the condition that the petitioner shall bear the expenses of the escort along with the required security for the safe return of convict No.3463 viz. K.Narasimhulu and the petitioner shall also furnish a personal bond for Rs.50,000/- (rupees fifty thousand only) ensuring return of the petitioner immediately after the marriage. The convict No.3463 viz. K.Narasimhulu shall be released on
09-02-2007 and he shall report back to the Central Jail, Charlapally, R.R.District on 15-02-2007. No costs.

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08-02-2007

Note:C.C. today
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[1] 1998(2) ALT 264 (DB)